SOME

REFLECTIONS

ON THE

Oaths & Declaration

Appointed in an Act past in the first Year of the Reign of

King William

AND

Queen Mary,

In reference to the Roman Catholicks of *England.*

By Sir *D. W.* Baronet, of the Church of *Rome.*

LONDON,
Printed in the Year MDCXCV.

UMI

To my worthy good Friend.

SIR;

IT was not yet my hap to be tendered the new Oaths, but ſuppoſing that at ſome time it may, ſince in the laſt Seſſions of Parliament there were Agitations for barring all Perſons from Voices in Elections of Members for Parliament, and from Practice in their Profeſſions, beſides the Penalties of this Statute, and Paiment of double Taxes, in caſe of refuſing to Swear, and Declare, as by this Act is required; Theſe and ſome other Conſiderations (needleſs to particularize) put me on ſearch into the Quality and Senſe of theſe Oaths, with the Duty and Lawfulneſs of taking or refuſing them. And firſt I obſerved, that in theſe Oaths there is no declaring or ſwearing to the King's Supremacy, in any Things or Cauſes, nor a Renunciation of the Rights or Titles of any other Perſon, nor a Promiſe of Faith and Allegiance to the preſent Prince's Heirs and lawful Succeſſors, nor an Acknowledgment before God and the World of the King's lawful Title to this Realm, nor a ſwearing to the plain and common Senſe of the Words; all which were Parts of the for-

mer Oaths of Supremacy and Allegiance, and might have raiſed Scruples, if inſerted in theſe, that are now frivolous. I likewiſe obſerve, that the non-jurat Proteſtants and the Catholicks are not by the ſame Reaſons induced to refuſe to take theſe Oaths, the one having ſworn the former, the latter generally refuſing them. On the whole I have made the Reflections, which I herewith preſent to you, my truly dear Friend. I will not affirm to you, that I am ſo fully ſatisfied in this Enquiry, as that I am reſolved to take theſe Oaths, when required ſo to do; nor will I conceal from you, that my private Opinion is, that I may, as a ſound Catholick, with a ſafe Conſcience, without Hazard of Salvation, both take theſe new Oaths, and ſubſcribe the Declaration now framed by Parliament. The Matters therein contained are entirely within the Conſideration of the Laws of the Kingdom, without any relation to the Myſteries of Faith; and therefore I believe you a competent and proper Judg herein, and earneſtly requeſt you to give me your Thoughts hereof. I would not that it ſhould be ſaid of me, Incidit in Scillam qui vult vitare Charibdim. I reſolve to be governed by your Sentiments of this Affair, and ever to acknowledg to the World, that I very much honour you, and am,

SIR,

25 May, 1695.

Your real and affectionate Servant.

Becauſe in reading theſe Reflections there may be occaſion for comparing the ſeveral Oaths, I have here ſet them down at large.

The Oaths and Declaration in the Act of 1 *Will. Mar.*

1. I A. B. do ſincerely promiſe and ſwear, That I will be faithful, and bear true Allegiance to his Majeſty King William. So help me God, *&c.*

2. I A. B. do ſwear, That I do from my Heart abhor, deteſt and abjure, as impious and heretical, that damnable Doctrine and Poſition, That Princes excommunicated or deprived by the Pope, or any Authority of the See of Rome, may be depoſed or murdered by their Subjects, or any other whatſoever.

3. And I do declare, That no Foreign Prince, Perſon, Prelate, State or Potentate, hath, or ought to have, any Juriſdiction, Power, Superiority, Preheminence, or Authority, Eccleſiaſtical or Spiritual, within this Realm. So help me God, *&c.*

The Oath of Supremacy, framed in the Act, 1 *Eliz. c.* 1. which Oath is now abrogated.

I A. B. do utterly teſtify, and declare in my Conſcience, That the King's Majeſty is the only ſupreme Governour of this Realm, and of all other his Highneſs Dominions and Countries, as well in all Spiritual or Eccle-

Eccleſiaſtical Things or Cauſes, as Temporal; And that no Foreign Prince, Perſon, Prelate, State or Potentate, hath, or ought to have, any Juriſdiction, Power, Superiority, Preheminence or Authority, Eccleſiaſtical or Spiritual, within this Realm. And therefore I do utterly renounce and forſake all foreign Juriſdictions, Powers, Superiorities and Authorities, and do promiſe, that from henceforth I ſhall bear Faith and true Allegiance to the King's Highneſs, his Heirs and lawful Succeſſors, and to my Power ſhall aſſiſt and defend all Juriſdictions, Privileges, Preheminencies, and Authorities, granted or belonging to the King's Highneſs, his Heirs and Succeſſors, or united and annexed to the Imperial Crown of this Realm. So help me God, and the Contents of this Book.

The Oath of Allegiance in the Stat. 3 *Jac.* 1. which Oath is now abrogated.

I A. B. do truly and ſincerely acknowledg, profeſs, teſtify and declare, in my Conſcience, before God and the World, That our Sovereign Lord King James is lawful King of this Realm, and of all other his Majeſty's Dominions and Countries; and that the Pope, neither of himſelf, nor by any Authority of the See of Rome, or by any other means with any other, hath any Power or Authority to depoſe the King, or to diſpoſe of any of his Majeſty's Kingdoms or Dominions, or to authorize any foreign Prince to invade or annoy him or his Countries, or to diſcharge any of his Subjects of their Allegiance and Obedience to his Majeſty, or to

give

give Licence or leave to any of them to bear Arms, raise Tumults, or to offer any Violence or Hurt to his Majesty's Royal Person, State, or Government, or to any of his Majesty's Subjects within his Dominions. Also I do swear from my Heart, That notwithstanding any Declaration or Sentence of Excommunication or Deprivation, made or granted, or to be made or granted, by the Pope or his Successors, or by any Authority derived or pretended to be derived from him or his See, against the said King, his Heirs or Successors, or any Absolution of the said Subjects from their Obedience, I will bear Faith and true Allegiance to his Majesty, his Heirs and Successors, and him and them will defend to the uttermost of my Power, against all Conspiracies and Attempts whatsoever, which shall be made against his or their Persons, their Crown and Dignity, by reason or colour of any such Sentence or Declaration, or otherwise, and will do my best Endeavours to disclose and make known to his Majesty, his Heirs and Successors, all Treasons and traiterous Conspiracies which I shall know or hear of, to be against him, or any of them. And I do further swear, That I do from my Heart abhor, detest and abjure, as Impious and Heretical, this damnable Doctrine or Position, That Princes which be excommunicated or deprived by the Pope, may be deposed or murdered by their Subjects, or any other whatsoever. And I do believe, and in Conscience am resolved, that neither the Pope, nor any Person whatsoever, hath Power to absolve me of this Oath, or any part thereof, which I acknowledg, by good and full Authority, to be lawfully ministred unto me, and do renounce all Pardons and Dispensations,

ons to the contrary. And all these things I do plainly and sincerely acknowledg and swear, according to these express Words by me spoken, and according to the plain and common Sense and understanding of the same Words, without any Equivocation or mental Evasion, or secret Reservation whatsoever. And I do make this Recognition and Acknowledgment, heartily, willingly and truly, upon the true Faith of a Christian. So help me God.

RE-

REFLECTIONS
ON THE
Oaths & Declaration
Lately appointed in the room of the
Oaths of Supremacy and Allegiance.

SInce the Supreme Power of this Nation hath, for the Security of its Government, enacted, that all Persons should either take these Oaths, or suffer severe Penalties for their Refusal: It seems to be an Act of Charity, no less than of Prudence, to consider the Reasons for taking or refusing them: I apply my self to Catholicks.

The first of these Oaths is barely promissory to bear Faith and true Allegiance to the present Prince, who, whatever his Title be, hath suffi-

Protection infers publick Obedience.

cient Power to rule, govern and protect us: To him, whileſt we live under his Government, we are Subjects: As it is undeniable that he is King of this Realm either *de jure* or *de facto*, or both ways, (which, matters not now to be conſidered, for no ſort of Right is here ſworn to, as was in the former Oaths to our lawful Kings) ſo it is plain, that we are his Subjects *de jure* or *de facto*, or both ways. The Right of a Prince and Duty of a Subject are Correllatives, they live and expire together. Thus whileſt he is our King, we are his Subjects; whileſt we are his Subjects we owe him Duty and Fidelity, and ought not to ſcruple promiſing it, when thereto required; to which we are now more ſtrictly obliged, by the Authority of the Kingdom commanding it.

In all Countries, as well Catholick as others, Fidelity is required from thoſe in Subjection, unto thoſe who have the Dominion, whether it be gained by Conqueſt, or otherways. In our own, Pope *Gregory* declared, that (notwithſtanding the Cenſures of his Predeceſſor *Pius Quintus*) the Subjects of *England* ought to perform all Duty to Queen *Elizabeth*: and whatſoever might be the Catholicks inward Judgments concerning her Title, yet after the Parliament

liament had acknowledged her a lawful Queen, all Civil Obedience was exactly paid to her. This Oath of Fidelity is generally taken in *Ireland* by the Catholicks, pursuant to the Articles for Surrender of *Limerick*, by Approbation of the Primate and Clergy of that Kingdom. The Fathers of the Society of Jesus, of the English Province, decree thus, 'Let us all profess, that 'as much Obedience and Fidelity ought to be 'sincerely sworn and exhibited to our King 'from every one of us, as is wont to be sworn 'and exhibited to any Princes whatsoever from 'other Catholick Subjects. Here is no Distinction made between lawful or unlawful Titles of Princes, but the Relation between any Princes whatsoever and their Subjects allowed to be a Ground for Fidelity.

In the Provincial Congregation at Ghent, 5 July, 1681.

The second Oath is a part of the Oath of Allegiance, made in the Reign of King *James*, which Oath was freely taken by the chief and others of the Catholick Clergy here in *England*, and by them the Nobility and Gentry were advised and exhorted to do the same, declaring it to be a Duty incumbent on them by the Law of God. Sixty of the Doctors of the *Sorbon* subscribed

3 Jac. 1. cap. 4.

ſcribed to the ſaid Oath, theſe following Words, 'We underwritten, Divines and Doctors 'of the Sacred Faculty of *Paris*, do judg the 'Oath, as it is on the other ſide, (*i. e.* the Oath 'of Allegiance) may with Safety of Faith and 'Conſcience be taken by Engliſh Catholicks, *&c.* But Pope *Paul* the Fifth ſent a Breve into *England*, directed to the Engliſh Catholicks, wherein, reciting the ſaid Oath at large, he declares, that this Oath contains many things plainly repugnant to Faith and Salvation, and admoniſheth and requireth them not to take *that Oath*. This Breve his Holineſs ſeconded by another, and both were confirmed by ſucceeding Popes. The Fathers of the Society in their Provincial Congregation afore-mentioned, decree thus concerning that Oath, that the Oath (*i. e.* the Oath of Allegiance) as it is now ſprinkled with many Heterodox Clauſes, cannot be taken, as being condemned by many Breves of Popes. Theſe things conſidered, I'll ſuppoſe, *that Oath* might not be taken by Catholicks, becauſe it contained many things contrary to Faith, *&c.* and is ſprinkled with many Heterodox Clauſes; and laſtly, becauſe it is condemned by many Breves of Popes. But then it muſt be granted

to

to me, that this Oath, now to be taken, is not *that Oath* which was required not to be ſworn, which was condemned: This Oath is but one Clauſe amongſt many which compoſe that Oath; the Pope doth not declare that all the things in that Oath are repugnant to Faith, *&c.* his Prohibition doth not fall on any particular Clauſe, the Fathers of the Society do not impeach every Clauſe in that Oath, nor diſtinguiſh thoſe Heterodox ones that are ſprinkled in it: Both Pope and Fathers allow, that ſome Things and Clauſes in that Oath are not liable to Cenſure: There are many Clauſes in that Oath, whereof thoſe which are condemned, though called many, may be feweſt in number. Now if this Oath be not *plainly* repugnant to Faith and Salvation, there is no Ground for refuſing it, becauſe it is a part of the former Oath: And that it is not plainly repugnant to Faith, *&c.* to abhor, deteſt and abjure that damnable Doctrine and Poſition, (mentioned in this Oath) the Word of God, the Council of *Conſtance*, the Subſcription of the Doctors of the *Sorbon*, the Decrees of the Parliament of *Paris*, and Subſcription of the Fathers of the Society to an Agreement with the *Sorbon*, are full and ſufficient

ent convincing Evidences: To all or ſome of which every one may eaſily apply himſelf for Satisfaction.

This Declaration is aſſertory of ſomething paſt; it is an Act of Faith, depending on the probable Evidence of what is paſt.

The Declaration annexed to theſe Oaths is not to be ſworn to, but only to be made, repeated, and ſubſcribed to, as a Matter which the Declarer believes to be true, according to a rational Judgment and moral Certainty thereof, which yet may be conſiſtent with an abſolute Poſſibility of the thing being otherwiſe: It is an Aſſertion of the Truth of a thing, as it is in his Conſcience or rational Judgment, not as it is in it ſelf; and this moral Certainty may ſecure the Declarer from a Lie, and juſtify him before God and Man.

The Reflections I make being with Reference to the Catholicks in *England*, I will conſider the Duty and Lawfulneſs of their making, or refuſing to make this Declaration diſtinctly from others.

1. And to ſhorten my Work I will here ſuppoſe, that by foreign Prince, Perſon, Prelate, *&c.* is meant the Pope and his Succeſſors.

2. That the Pope hath, and ought to have, ſome Juriſdiction, or Power, or Superiority, or Preheminence, or Authority, in this Realm.

3. That

3. That the Popes formerly had, and had a Right to, ſome Juriſdictions, &c. within this Realm, which now are not enjoyed by them.

4. That the Juriſdictions, &c. which Popes formerly had, and now have not, they ought not to have in this Realm.

To explain my ſelf in my ſecond Suppoſition, Catholicks unanimouſly grant, that Chriſt gave a Power purely ſpiritual to his Apoſtles, throughout the whole World, and in them to their Succeſſors, to preach, to feed his Sheep, to bind and looſe, &c. This Power being derived to the Pope, as Succeſſor to St. *Peter*, his Holineſs hath a Right to throughout the whole World, for thus large is the Commiſſion from Chriſt. And this Power being given by God, cannot be taken away by Men, nor be denied by Chriſtians, either in this Realm, or any other part of the World, without Breach of Faith. The ſpiritual Power could not be exerciſed by Kings or Princes, it did never belong to them, or to their Crowns, nor indeed was ever claimed or pretended to in this Realm: therefore I will here only conclude, that it is not probable that this Declaration intends to deny the Pope's Power purely ſpiritual in this Kingdom.

King James *in his Premonition*, p. 46. *Let the Pope be* Primus Epiſcopus inter omnes Epiſcopos, *and* Princeps Epiſcoporum *as* Peter *was* Princeps Apoſtolorum.

dom. I ſhall endeavour to make this more plain hereafter.

My third Suppoſition grants, that Popes had a Right to, and enjoyed Juriſdictions, Powers, &c. Theſe were in Courts and Matters called Eccleſiaſtical or Spiritual, as Caſes of Marriage, Tythes, Wills, &c. Theſe Juriſdictions, &c. were merely external, political or civil, and came not to the Pope *jure divino*. Our Saviour declared, that his Kingdom is not of this World, and therefore gave no Juriſdiction, Power, &c. beſides that which is purely ſpiritual, to his Apoſtles, or their Succeſſors. The Crown of *England* is, and of long time hath been, an Imperial Crown, depending only on God, by whom Princes reign. From the Crown divers Privileges have been at divers times, either by the Piety or Inadvertencies of Princes, granted to Popes (in the Language of thoſe Days called the Church;) at other times Uſurpations have been made, when the Princes were weak or unfortunate: Theſe Privileges being long uſed, and their Origine either forgotten or concealed, have been commonly look'd on, and claimed, as the proper and inherent Right of thoſe to whom they were granted, or came.

This

This Right being charily preſerved by them, and freely confeſs'd by others to be a good Title, accompanied with a long and quiet Poſſeſſion, and called Eccleſiaſtical or Spiritual, came to be thought at laſt to be a Right given them by God, whereas in Truth it proceeded from Men; and as all humane things are ſubject to change, may, by the ſame Power from whence it was derived, be taken away. And thus hath it fared with the Pope's Power in Temporals, which he had and exerciſed in this Kingdom; ſometimes they have been diſputed, other times taken from him and reſtored to the Crown, then again reſtored to his Holineſs, and about 130 Years ſince were again taken from him and reſtored to the Crown, and ſo continue at this Day, which is a Matter ſo evident to every Engliſh-man, that no one of them can find Reaſon to believe, that the Pope, *at this time*, hath any Juriſdiction, Power, *&c.* (beſides that which is purely Spiritual) in this Realm.

24 H. 8. c. 12.
25 H. 8. c. 20.
25 H. 8. c. 19.
25 H. 8. c. 21.
28 H. 8. c. 16.
1 Eliz. cap. 1.
5 Eliz. cap. 1.
1, 2 P. M. c. 8.

In France *the Clergy publiſhed this Propoſition, That the Pope had no Power in civil or temporal Affairs, and that Kings are ſubject to no Eccleſiaſtical Powers.*

The fourth Suppoſition intends, that ſince thoſe Eccleſiaſtical or Spiritual Juriſdictions, Powers, *&c.* which the Pope enjoyed and exerciſed in this Realm, and which were not purely Spiritual, nor derived to him from the Apoſtles,

ſtles, but came to him by the Grants of Princes, Conſent of People, or by ſome other mere humane means, as touching Appeals, Annats, Firſt-fruits, electing of Biſhops, Diſpenſations in humane Laws, to the Prejudice of the Crown, and impoveriſhing of the Subjects, giving Licences in abundance of humane Caſes or Things, putting Biſhops into their Biſhopricks, and Prieſts into their Pariſhes: ſince I ſay theſe Powers, &c. came to the Popes by times, or by Concordates between Princes on the one ſide, and Popes on the other, which could not be Divine or Supernatural Powers, that is, Powers derived to him, or conferred on him *jure divino*, are aboliſhed as to his Holineſs, and reſtored to the Crown, by ſeveral Acts of Parliament, as antiently belonging thereto, it is as plain that the Pope ought not to have thoſe Juriſdictions, Powers, &c. of which he is thus legally diveſted, as it is apparent that *at this time* he neither hath nor exerciſeth them.

Now to enlarge ſomewhat on the Subſtance of the two laſt Suppoſitions, I will inſtance in ſome few Remarks, what Interruptions the Popes have met with in the Exerciſe of their Eccleſiaſtical or Spiritual Powers, &c. in Matters mere-

merely Temporal in this Realm. King *Henry* the Firſt gave the Biſhoprick of *Wincheſter* to *William Gifford*, and forthwith inveſted him into all the Poſſeſſions thereto belonging, though contrary to a Canon. The ſame King alſo gave the Archbiſhoprick of *Canterbury* to *Radolph* Biſhop of *London*, and gave him Inveſtiture by a Ring and a Croſiers Staff. In the ſame King's Reign *Thurſtan*, elect Archbiſhop of *York*, got leave of the King to go to a Council held under Pope *Calixtus* at *Rhemes*, giving his Faith to the King that he would not receive Conſecration of the Pope, but notwithſtanding he obtained to be conſecrate at the Pope's Hand, which, as ſoon as the King heard, he forbad him to come within his Dominions. King *Edward* the Firſt prohibited the Abbot of *Waltham*, and Dean of *Paul's*, to collect a tenth of every Man's Goods, for a Supply to the Holy Land, which the Pope by three Bulls had committed to their Charge. The ſame King impleaded the Dean of the Chappel of *Wulverhampton*, becauſe the ſaid Dean had, againſt the Privileges of the Kingdom, given a Prebend of the ſame Chappel to one at the Pope's Command. King *Richard* the Second, by Act of Parliament, prohibited

hibited that any ſhould procure a Benefice from *Rome*, under pain to be put out of the King's Protection. Thus ſeveral Catholick Princes, in Catholick times, diſputed the Pope's Juriſdictions, Powers, *&c.* in ſeveral Eccleſiaſtical or Spiritual Matters. King *Henry* the Eighth (no leſs a Catholick, and likewiſe in a Catholick time) by ſeveral Acts of Parliament, conſiſting of Lords Spiritual and Temporal, and Commons, all Catholicks, deprived the Pope of ſeveral Juriſdictions, Powers, *&c.* which were ſuppoſed to be uſurped from the Crown, and the Exerciſe whereof were much to its Detriment. Again, Queen *Elizabeth* revives all thoſe Statutes made by her Father, reſtores all antient Juriſdictions to the Crown, and aboliſheth all foreign Powers repugnant to the antient Juriſdiction of the Crown: And thus they continue to this Day.

1 Eliz. cap. 1.
5 Eliz. cap. 8.

From what I have collected here it may appear, that no purely ſpiritual Power hath been by the Laws of this Kingdom taken from the Pope; that whatever Power hath been taken from the Pope, hath been reſtored to the Crown, as its antient Juriſdiction, and no other: but ſince the Words of the Declaration deny any Juriſdiction,

riſdiction, &c. to be enjoyed by, or rightfully to belong to any foreign Prelate, &c. I ſhall conſider the Meaning of thoſe Words, wherein, if I can hit on the Senſe which this Declaration by the Intent of the Impoſers of it bears, let that determine the Lawfulneſs or Unlawfulneſs of making it, for no more is required of us.

This Declaration is *verbatim* a Clauſe in the Oath of Supremacy, formed in an Act paſt in the Reign of Queen *Elizabeth*; and in another Act made in the fifth Year of her Reign, it is enacted, that the Oath made in the firſt Year of her Reign, ſhall be taken and expounded in ſuch Form as is ſet forth in an Admonition annexed to the Queen's Majeſties Injunctions, publiſhed in the firſt Year of her Majeſty's Reign, that is to ſay, to confeſs and acknowledg in her Majeſty, her Heirs and Succeſſors, no other Authority than that was challenged and lately uſed by the noble King *Henry* the Eighth, and King *Edward* the Sixth, as in the Admonition may more plainly appear.

1 Eliz. cap. 1. *Entitled*, An Act to reſtore to the Crown the ancient Juriſdiction over the Eſtate Eccleſiaſtical and Spiritual, and aboliſhing all foreign Powers repugnant to the ſame. 5 Eliz. cap. 1.

In that Admonition the Queen ſaith as followeth: For certainly her Majeſty neither doth, nor ever will challenge any other Authority than that which was challenged, and lately uſed

Admonition to ſimple Men deceived by malicious.

If any Person shall accept the same Oath with this Interpretation, Sense or Meaning, her Majesty is well pleased to accept every such in that behalf as her good and obedient Subjects, &c.

by the noble King of famous Memory, *Henry* the Eighth, and King *Edward* the Sixth, which is, and was of *antient time* due to the Imperial Crown of this Realm, that is, under God to have the Soveraignty and Rule over all manner of Persons born within these Realms, Dominions, and Countries, of what Estate (either Ecclesiastical or Temporal) soever they be, *so as* no other foreign Power shall or ought to have any Superiority over them.

Now, to shew that King *Henry* the Eighth neither claimed nor pretended to any Power purely Spiritual, let us see a *Proviso* made in an 24 H. 8. c. 21. Act past in his Reign, Provided always that this Act, nor any thing therein contained, shall be hereafter interpreted or expounded, that your Grace, your Nobles, and Subjects, intend, by the same, to decline or vary from the Congregation of Christ's Church, in any things concerning the very Articles of the Catholick Faith of *Christendom*, or in any other things declared by Holy Scripture, and the Word of God, necessary for your and their Salvation. The Statute containing this *Proviso* is revived and confirmed by the Statute of 1 *Eliz. cap.* 1. And it is undeniable, that all *Christendom*, at that time,

time, did own the Pope's Spiritual Power, which was derived from the Apoſtles.

Further, to ſhew, that the Queen who made this Oath, intended it only for to diſtinguiſh thoſe who denied the Pope's Power in Temporals, from others who would not, and that therefore ſhe doubted of their Loyalty. In the Act made aforeſaid is enacted, 'That for- 5 Eliz. cap. 1.
'aſmuch as the Queen's Majeſty is otherways
'ſufficiently aſſured of the Faith and Loyalty of
'the Temporal Lords of her Highneſs's Court of
'Parliament; therefore this Act, nor any thing
'therein contained, ſhall not extend to compel
'any temporal Perſon, of or above the Degree
'of a Baron of this Realm, to take or pronounce
'the Oath aboveſaid.

It was notoriouſly known, that the Lords and Commons in that Parliament, wherein the Oath of Supremacy was appointed, were moſtly Roman Catholicks, which includes their holding and profeſſing the Pope's Paſtoral Power. It was Treaſon and Premunire to hold or profeſs what by the Oath was denied to the Pope; but it was neither for a Lord or other Perſon to profeſs himſelf a Roman Catholick, there was no Diſloyalty in that. Thus then, I conclude, that

the Pope's purely Eccleſiaſtical or Spiritual Power is not denied in that Oath, and that this is the Senſe, in which this Declaration is to be made, as being a part of that Oath. And this I am the more inclined to believe, becauſe in theſe Oaths there are no doubtful Expreſſions of ſwearing the Juriſdictions, Powers, *&c.* to belong to any other Perſon; thoſe which are here only declared, are, that no foreign Prince, *&c.* hath or ought to have. Nor is it to be paſt by without notice, that the Powers taken from his Holineſs by King *Henry* the Eighth, were never meant to be other than thoſe that were Temporal, for Queen *Mary*, by Act of Parliament, reſtores to the Pope ſuch Authority, Prehemineence and Juriſdiction, as his Holineſs uſed and exerciſed, or might *lawfully* have uſed and exerciſed, by Authority of his Supremacy, *&c.* without Diminution or Enlargement of the ſame, and no other. Which demonſtrates, that the Juriſdictions, Powers, *&c.* which King *Henry* the Eighth deprived the Pope of, were only ſuch as an Act of Parliament could reſtore him to, which cannot be meant of that purely Spiritual Power given by Chriſt.

1. 2 P. M. c. 8.

To

To ſum up this Diſcourſe: The Pope had a purely Spiritual Power committed by Chriſt to him, as Succeſſor to St. *Peter*, to be exerciſed throughout the whole World, that is, To teach, to bind, and looſe, *&c.* This Power, we ſay, no Temporal Prince ever had, or claimed, or could deprive him of. The Pope likewiſe had in this Kingdom Eccleſiaſtical or Spiritual Power in Courts and Cauſes, or Matters, called Eccleſiaſtical or Spiritual, as in Divorces, Tythes, Oblations, Obventions, *&c.* This Power was external, political, civil, and meerly temporal, granted by or gained from the Princes of theſe Realms, which being found to be exerciſed to the great Detriment of the Crown, and adjudged to be ſo by the Eſtates of the Realm, hath been by ſeveral Statutes diveſted from the Pope, and reſtored to the Crown above 130 Years paſt, and ſo ſtill it continues. The Truth of this is aſſured to us by Acts of Parliament, and other credible Hiſtories, ſo manifeſtly, that there is no room for Scruple in affirming, that (*rebus ſic ſtantibus*) no foreign Prelate, *&c.* hath or ought to have any Juriſdiction, *&c.* in this Realm, which is

not derived from Chriſt, and which the Laws of this Kingdom have deprived him of.

Here is Authority commanding us to take lawful Oaths, and to declare what we may reaſonably judg and be morally certain to be true, no competent Authority admoniſhing or requiring the contrary: Here are the Opinions of great and learned Divines for the Lawfulneſs and Duty of taking theſe Oaths: Here are the higheſt of Evidences for the Truth of that Matter which we are to declare our Belief of; the Catholicks in *England* (generally) never took the former Oaths of Supremacy and Allegiance, and therefore on account of ſome Branches in thoſe, they are not obliged to refuſe the firſt of theſe Oaths: Theſe Oaths neither are in themſelves, nor are intended to be diſtinctive Signs between Catholicks and Proteſtants, for the Acts lately made for amoving Papiſts and reputed Papiſts, *&c.* and for diſarming Papiſts and reputed Papiſts, appoint the Declaration, made in the Reign of the late King *Charles*, to be for the Trial and Diſcovery of them, and that Declaration is not ſcrupled at by Proteſtants, who yet (ſome of them) refuſe the firſt of theſe Oaths: And had the Declaration which

30 Carol. 2.

is

is annexed to theſe Oaths been a Denial of the Pope's Paſtoral Power in this Realm, there needed no other Teſt for Diſcovery of Papiſts, ſince no Catholick would diſown that Spiritual Power to be in his Holineſs. Theſe things conſidered, I muſt own, that I know no Reaſon for the Roman Catholicks in *England* to provoke the Government, to fall under the Reputation of being entirely in the French Intereſt, and to undergo ſevere Penalties for refuſing theſe Oaths. Johnſon.

FINIS.